

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

Robert Smith, by his M/N/G Denise Smith, and  
Denise Smith, individually

V.

City of New York, James Chiariello (Shield No.  
30462), "JOHN" Alesi, et al.

SUMMONS IN A CIVIL ACTION

08 CV 00596  
CASE NUMBER:

TO: (Name and address of Defendant)

City of New York  
100 Church Street  
New York, NY 10007

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Leventhal & Klein, LLP  
45 Main Street, Suite 230  
Brooklyn, NY 11201

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

**JAN 23 2008**

CLERK

DATE

(By)  CLERK

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RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>		DATE <u>2/5/08</u>
NAME OF SERVER (PRINT) <u>Anderson Chan</u>		TITLE <u>Process Server</u>
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served: <u>90 Corporation owned 100 Church St. 4th fl. New York, NY 10038</u>		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:		
<input type="checkbox"/> Returned unexecuted:		
<input checked="" type="checkbox"/> Other (specify): <u>served you, Jerry Badshaw, legal clerk, who is authorized to accept service on behalf of the defendant.</u>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on <u>2/5/08</u> Date	<u>Anderson Chan</u> Signature of Server <u>Anderson Chan - Lic # 1220482</u>	
<u>315 Broadway 3rd fl. New York NY 10007</u> Address of Server		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.